

# HOUSE BILL REPORT

## HB 2408

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### As Passed House:

February 9, 2006

**Title:** An act relating to tolling the statute of limitations for felony sex offenses.

**Brief Description:** Modifying the statute of limitations toll for felony sex offenses.

**Sponsors:** By Representatives O'Brien, Rodne, Ericks, Lovick, Anderson, Jarrett, Nixon, McDonald, Williams, Darneille, Buck, Conway, P. Sullivan, Tom, Takko, Lantz, Kilmer, Fromhold, B. Sullivan, Morrell, Simpson, Springer, Green, Miloscia, Sells, Campbell and Ormsby.

### Brief History:

#### Committee Activity:

Criminal Justice & Corrections: 1/12/06, 1/31/06 [DP].

#### Floor Activity:

Passed House: 2/9/06, 98-0.

### Brief Summary of Bill

- Changes to the date upon which the statute of limitations for a sex offense begins to run to the date when the crime was committed or one year after the date upon which the identity of the suspect is conclusively established through DNA testing, whichever is later.

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## HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass. Signed by 6 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Kirby, Strow and Williams.

**Minority Report:** Do not pass. Signed by 1 member: Representative Ahern, Assistant Ranking Minority Member.

**Staff:** Jim Morishima (786-7191).

### Background:

In the criminal law, "statute of limitations" refers to the maximum period of time during which a criminal prosecution may be brought. For a few crimes, like murder, the statute of limitations is indefinite; i.e., a prosecution may be brought at any time following the commission of the crime. However, most crimes have a finite statute of limitations that begins to run from the date of the crimes' commission.

The statute of limitations for sex offenses varies depending on the offense involved. For example, the statute of limitations for child molestation in the third degree, rape in the third degree, and patronizing a juvenile prostitute is three years. The statute of limitations for rape in the first and second degrees is generally 10 years, but can be extended under certain circumstances if the victim is under the age of 14.

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**Summary of Bill:**

The statute of limitations on a sex offense begins to run on the date when the crime was committed or one year after the date upon which the identity of the suspect is conclusively established through DNA testing, whichever is later.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** None.

**Testimony Against:** None.

**Persons Testifying:** None.

**Persons Signed In To Testify But Not Testifying:** None.